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4/5/08

MEMO ENCLOSED

Hon. Charles Briant
United States District Court
Southern District - NY
300 Quarropas Street
White Plains, NY 10601

re: Cox v. Warwick Valley CSD, 07 Civ 10682 (CLB)

Dear Judge Briant,

*The Court has scheduled
a discovery conference for
April 25, 2008 at 9:30 AM -
So Ordered
April 8, 2008
Charles L. Briant
USDC*

We represent plaintiffs in this matter which challenges certain school district action against a student. The court held a Rule 16 conference and the parties agreed to exchange initial discovery demands by a date certain. We propounded our requests a few weeks after that date. Defendants' counsel, from an Albany law firm, has refused to respond to our discovery demands which were made well within the six months permitted for discovery. I have explained to counsel that these intermediate dates are not intended to preclude a party from thereafter propounding discovery requests before the discovery cut-off." However, counsel has refused to alter his position and continues to refuse to comply with our requests. Counsel has also raised other unspecified objections to the requests.

Accordingly and to move this matter forward, I am respectfully requesting that Your Honor either refer discovery supervision to the assigned Magistrate Judge or promptly schedule a conference to settle these issues.

Thank you.

Respectfully,

MS
Michael H. Sussman

cc: Gregg T. Johnson, Esq. [counsel for defendants] by fax to 518-462-5037